

TRURO CONSERVATION COMMISSION
Rules Governing Commission Operations and Meetings
Adopted by vote of the Commission December 4, 2006
Amended by vote of the Commission June 21, 2010

1. The Truro Conservation Commission adopts these governing procedures in order to ensure that the Commission fulfills its purposes and obligations to protect wetland resources and watershed resources of the Town of Truro, as provided for under G.L. ch. 40 §8C as amended, and under the Truro Local Conservation By-law, adopted at Truro Town Meeting on April 27, 2010. The Commission will conduct such research, including public hearings, as necessary to develop a plan to accomplish the purpose set forth above. The Commission will conduct educational programs, and will cooperate with the elected and appointed boards and commissions of the Town of Truro and with the state and federal natural resource agencies with regard to natural resources regulations and other regulations imposed by law, and shall perform other duties as may be imposed by law. As set forth herein, the Truro Conservation Commission shall promulgate such regulations as it may deem necessary, according to the procedure set forth herein, to implement the provisions of the Truro Local Conservation By-law.

2. Elections

The officers of the Commission shall be elected from the membership annually at the first meeting of the Commission after the annual town meeting. The meeting shall be designated the election meeting. The elected officers shall be chair and vice chair.

3. Officers

A. Chair. The chair shall, in addition to the duties imposed by law, preside at all meetings of the Commission at which the chair is present, and direct the work of the Commission, including the calling of meetings of the Commission. The chair shall appoint members to such committees as the Commission may create by vote, shall designate chairs of same, and shall be an ex-officio member of all committees.

B. Vice Chair. The vice chair shall preside at all meetings of the Commission in the absence of the chair, and shall perform all duties and shall have all powers of the chairperson in case of absence or incapacity of the chair.

C. Conservation Agent

The Conservation Agent appointed by the Town shall serve as Treasurer to the Commission, when necessary.

4. Consultants.

The Commission may, by vote at any meeting, appoint consultants to the Commission, pursuant to the authority of G.L. c. 40 §8C. Where appropriate, cost of consultants shall be borne by applicant for the project for which consulting services are deemed necessary. Such consultants shall not have the right to vote, nor to represent themselves as official members of the Commission, but shall have the right to participate in meetings and activities of the Commission as the chair may designate.

5. Duties of Members.

The members of the Commission shall perform the duties and responsibilities as set forth in M.G.L. ch.40 §8C and under the Wetlands Protection Act and such other laws and statutes, including the Truro Local Conservation By-law, under which the Commission has jurisdiction or responsibility. Members shall make every effort to attend all meetings and perform all duties assigned by the chair. Members unable to attend a meeting of the Commission shall notify the Conservation Agent, Commission Secretary or Chair.

6. Committees:

Committees may be created by vote of the Commission as such committees may be needed. These committees shall be responsible for planning within their specific area of concern and for reporting the results of this planning to the Commission. They shall act in the name of the Commission only when directed to do so by vote of the Commission. Committees are subject to the provisions of the open meeting laws. Committees may include, but are not limited to Planning Committee, Land Management Committee, Education and Outreach Committee and Environmental Committee.

7. Meetings:

The Commission shall hold no less than one meeting each month, except when a quorum, as defined herein, is not present. Procedure at such meetings shall be guided by Robert's Rules of Order Newly Revised, when not in conflict with statutes or these rules. Notices of meetings will be given as required by law, and all meetings and notices thereof, shall comply with the provisions of the Open Meeting Law.

8. Quorum.

A majority of the members of the Commission shall constitute a quorum. A majority of those present and voting, if a quorum is present, shall be sufficient to conduct the business of the Commission unless otherwise specified by statute.

9. Hearings:

The Commission is required to conduct a public hearing on any properly executed Notice of Intent filed under the provisions of the Wetlands Protection Act (G.L. Ch 131 §40), and may conduct other public hearings as required by law or as deemed necessary by the Commission. At least a majority of the Commission must be in attendance. A majority of the Commission must sign the Order of Conditions issued. The chair shall preside at the hearing. The chair shall open the hearing by reading the purpose for which the hearing is held, and then conduct the hearing as follows:

A. Call for a description of the project by the project applicant or the applicant's representative. If the Commission deems it warranted, the Commission may tape record the hearing and may distribute an attendance list.

B. Ask the Commission and its consultants or staff to present their information/observations and ask questions of the applicant or applicant's representative.

C. Allow questions to be asked by members of other bodies and then the public. If time is limited or a large number of people wish to speak, ask each speaker to limit their comments to 3 minutes. At the appropriate time, and if necessary, ask people to speak only if there is new information to be offered; and then;

D. The Chair shall then close the public hearing and announce that the Conservation Commission will deliberate. Under the State Wetlands Protection Act and under the Local Conservation By-law the Commission may take up to 21 days from the close of the hearing to issue its decision.

E. General provisions applicable to all hearings:

Speakers shall be asked first to identify themselves and any special expertise. The hearing may be recorded by the Commission and/or the public. No Commissioner who has any interest in the outcome which might cause or appear to cause a conflict of interest should participate in the hearing or vote of the Commission. A copy of the Commission's decision shall be sent to all persons who so request and who sign a list providing name and mailing address at the hearing.

The Commission shall generally follow the above procedures for any hearing or less formal public meetings it shall hold.

10. Continuances/Failure to Appear.

In the event that a project applicant fails to appear without prior notice to the Commission, the Commission may continue the proceeding generally. A project applicant who gives prior notice of request for continuance, the project may be continued to a date certain. A project continued generally shall not be placed on the Commission's agenda without the consent of the Conservation Agent.

11. Procedure for Adoption of Regulations under Truro Local Conservation By-law:

Where the Commission identifies an issue or subject on which the Commission wishes to promulgate rules and regulations, the following procedure shall be followed:

A. Identify the subject to be regulated and appoint a committee to draft proposed regulations which would govern the subject or matter.

B. Draft proposed regulations shall be presented to the Commission and shall be posted on the Town's web-site at least 21 days prior to the public hearing scheduled for review of the proposed regulations. The Commission shall advertise the public hearing for review of the proposed regulations for at least two consecutive weeks in the Banner and the Cape Codder, including notice that a copy of the proposed regulations can be seen on the town's website and that a copy can be obtained at the Conservation Commission office at Town Hall. The Commission shall hold a public hearing as advertised and shall accept oral and written public comments until the hearing is closed.

C. The Commission shall act on the proposed regulations at its next regularly scheduled meeting, and may amend or modify any proposed regulation as it deems necessary prior to final action adopt or rejecting, in whole or in part, such proposed regulations.

D. Final Regulations adopted by the Commission shall be posted on the Town's website and made available at the Conservation department at Town Hall.

E. The Commission may amend regulations promulgated pursuant to this procedure upon two weeks notice at a regularly scheduled meeting of the Commission.

12. Amendments: These rules may be amended at any regular meeting of the Commission by a two-thirds vote of the total Commission, provided written notice of intent to amend is sent to each member of the Commission at least seven (7) days prior to the meeting at which the proposed action is to be taken.